

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1299 OF 2004

The State of Maharashtra ...Applicant

Versus

Satish Ramchandra Jadhav ...Respondent

Shri A.S.Shitole, A.P.P for the Applicant.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 21, 2006.

P.C.:

1. Heard the learned A.P.P on the prayer for grant of leave. The Respondent has been convicted for the offence punishable under section 381 of the Indian Penal Code. The allegation of the prosecution was as regards theft of a ball made up of gold weighing 134 grams. It is the case of the prosecution that the said article of gold was recovered from the pocket of the trouser of the Respondent under a seizure panchnama. The seizure has taken place in police station 16 days after the commission of offence. Moreover, weight of the article of gold was found to be 115.95 grams i.e. less than the weight of the article which was allegedly stolen. It is alleged that on personal search of the Respondent-accused, the article of gold was recovered. There is no discovery under section 27 of the Indian

Evidence Act. Apart from the fact that connection of the Respondent with the offence was not established, the learned Judge found the seizure of the article of gold to be suspicious and doubtful. Considering all the aforesaid aspects, no case is made out for grant of leave. Appeal is dismissed.

JUDGE